

### REMARKS

Applicants respectfully request further examination and reconsideration in view of the instant response. Claims 1-6, 10-19, and 21-25 remain pending in the case. Claims 1-6, 10-19, and 21-25 are rejected. Claims 1, 10, 16 and 22 are amended herein. No new matter has been added.

### EXAMINER INTERVIEW

On August, 2005, Matthew J. Blecher, Attorney for the Applicants, and Examiner Igor N. Borrisov participated in a telephonic interview to discuss the rejection of Claims 1-6, 10-19, and 21-25. First, the rejection of Claims 1-6 under 35 U.S.C. § 101 was discussed. Mr. Blecher presented proposed claims amendments. Examiner Borrisov indicated that greater detail describing the specification handling and manipulation of data by computer systems would be required to overcome this rejection. Next, the rejection of the claims based on the Mikurak reference was discussed. Examiner Borrisov indicated that amending the claims to include the limitation of delivery of a product may overcome the Mikurak reference. No decision was made as to the allowance of any claims.

Applicants wish to thank Examiner Borrisov for granting an interview after the final rejection.

35 U.S.C. §101

Claims 1-6 are rejected under 35 U.S.C. § 101 as the Examiner asserts that the claimed invention is directed to non-statutory subject matter.

Applicants have amended Claim 1 herein to recite specific computer programs and the computer systems that execute the computer programs. Specifically, the limitations “a workflow program operating on a computer system,” “wherein the workflow program performs functions for delivering the product to the customer,” and “a proactive call center operating on a second computer system” have been added herein. Applicants respectfully assert that Claim 1, as amended, recites a limitation in the technological arts, specifically, a computer-implemented method and the specific computer programs that execute this computer-implemented method. In particular, the workflow program and the proactive call center manipulate data to execute the claimed computer-implemented method. Support for this amendment can be found in many places in the present specification, including: page 8, line 12, through page 14, line 14; page 19, line 24, through page 21, line 9; and Figures 1, 2, and 5.

Applicants respectfully submit that Claim 1 recites a limitation that suggest a computer or data processing device is used to carry out the recited method. Therefore, Applicants respectfully submit that Claim 1 overcomes the rejection under 35 U.S.C. § 101. Moreover, Applicants respectfully submit that

Claims 2-6 overcome the rejection under 35 U.S.C. § 101, as these claims are dependent on an allowable base claim.

35 U.S.C. §103(a)

Claims 1, 3, 5, 6, 10, 12, 14-16, 18 and 22-24

Claims 1, 3, 5, 6, 10, 12, 14-16, 18 and 22-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent 6,606,744 by Mikurak, hereinafter referred to as the “Mikurak” reference. Applicants have reviewed the cited reference and respectfully submit that the present invention as recited in Claims 1, 3, 5, 6, 10, 12, 14-16, 18 and 22-24 is not rendered obvious by Mikurak.

Applicants respectfully direct the Examiner to independent Claim 1 that recites that an embodiment of the present invention is directed to (emphasis added):

A computer-implemented method of addressing problems associated with customer orders, comprising:

receiving an order for delivery of a product placed by a customer at a workflow program operating on a computer system;  
initiating a workflow process to handle delivery of product of the order to the customer at the workflow program, wherein the workflow program performs functions for delivering the product to the customer;

monitoring the workflow process to detect any problems related to the delivery of the order by the workflow program;

notifying a human call center agent by a proactive call center operating on a second computer system if a problem related to delivery of the product to the customer occurs during the processing of the order which enables the human call center agent to proactively contact the customer; and

proactively establishing a telephonic interaction by said proactive call center between said human call center agent and the customer in response to the problem to resolve the problem.

Independent Claims 10, 16 and 22 recite similar limitations. Claims 3, 5 and 6 that depend from independent Claim 1, Claims 12, 14 and 15 that depend from independent Claim 10, Claim 18 that depends from independent Claim 16, and Claims 23 and 24 that depend from independent Claim 22 provide further recitations of the features of the present invention.

Applicants respectfully submit that Mikurak and the claimed embodiments are very different. Applicants understand Mikurak to teach a system in which a customer may be notified regarding upgrades and other software related information, such as problems and suggested solutions (col. 163, lines 28-41). In particular, Mikurak teaches that the products and services that a user purchased are monitored so that support information related to the products and services may be provided. Moreover, monitoring of the products/services does not commence until after delivery.

Applicants understand Mikurak to teach a system in which a customer may be notified regarding upgrades and other software related information related to a purchased product, such as problems and suggested solutions (col. 163, lines 28-41). In particular, the customer may be notified with information related to a commercial offering after the sale and delivery of the

commercial offering is completed (col. 163, lines 46-48). With reference to  
Serial No.: 09/766,175

Examiner: Borissov, I.  
Art Unit: 3629

Figure 75 of Mikurak, an operation 7406 of providing proactive service notification about a commercial offering. Specifically, once the sale and delivery of the commercial offering is completed at step 7504, the status of the commercial offering is monitored at step 7505. In particular, the monitoring is related to the commercial offering itself, and is not related to the sale and/or delivery of the commercial offering. Applicants respectfully assert that the monitoring of the commercial offering is not monitored until after the sale and delivery of the commercial offering is completed.

In contrast, embodiments of the claimed invention are directed towards a computer-implemented method of addressing problems associated with customer orders including “receiving an order for delivery of a product placed by a customer,” “initiating a workflow process to handle delivery of product of the order to the customer at the workflow program,” and “monitoring the workflow process to detect any problems related to the delivery of the order” (emphasis added). As described in the present specification, an order is placed at step 301 of Figure 3. In particular, an order is made by purchasing a product in exchange for a payment. At step 302, a workflow process is initiated to fill the order (page 14, lines 14-25). As described in the specification, a “work flow process can include functions such as demand planning, requisition, approval, receipt, distribution, accounts receivable, measurement, forecasting, inventory control, shipping, etc.” (page 8, lines 20-23). At step 303, the workflow process

is monitored. In other words, the tasks associated with the sale and delivery of the ordered product are monitored.

Applicants respectfully assert that Mikurak does not teach, describe or suggest a computer-implemented method of addressing problems associated with customer orders including “receiving an order for delivery of a product placed by a customer,” “initiating a workflow process to handle delivery of product of the order to the customer at the workflow program,” and “monitoring the workflow process to detect any problems related to the delivery of the order,” as claimed (emphasis added). In contrast, Mikurak teaches monitoring information related directly to the performance of a commercial offering. Moreover, the monitoring is not related to the sale and delivery of the commercial offering. Rather, by teaching that the monitoring of the commercial offering does not begin until the sale and delivery of the commercial offering are completed, Mikurak teaches away from such a configuration.

In view of the claim limitations of “receiving an order for delivery of a product placed by a customer,” “initiating a workflow process to handle delivery of product of the order to the customer at the workflow program,” and “monitoring the workflow process to detect any problems related to the delivery of the order,” not being shown or suggested in Mikurak, in combination with the above arguments, Applicants respectfully submit that independent Claims 1, 10, 16 and 22 overcome the cited reference and are therefore allowable over

Mikurak. Therefore, Applicants respectfully submit that Mikurak also does not teach or suggest the additional claimed features of the present invention as recited in Claims 3, 5 and 6 that depend from independent Claim 1, Claims 12, 14 and 15 that depend from independent Claim 10, Claim 18 that depends from independent Claim 16, and Claims 23 and 24 that depend from independent Claim 22. Applicants respectfully submit that Claims 3, 5, 6, 12, 14, 15, 18, 23 and 24 also overcome the rejection under 35 U.S.C. § 103(a) as these claims are dependent on allowable base claims.

Claims 2, 11 and 17

Claims 2, 11 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mikurak in view of United States Patent Application Publication 2002/0087680 A1 by Cerami et al., hereinafter referred to as the "Cerami" reference. Claim 2 depends from independent Claim 1, Claim 11 depends from independent Claim 10, and Claim 17 depends from independent Claim 16. Applicants have reviewed the cited references and respectfully submit that the present invention as recited in Claims 2, 11 and 17 is not rendered obvious by Mikurak in view of Cerami.

As described above in the discussion of the 35 U.S.C. § 103(a) rejection of Claims 1, 3, 5, 6, 10, 12, 14-16, 18 and 22-24, Applicants respectfully assert that Mikurak does not teach, describe or suggest a computer-implemented method of addressing problems associated with customer orders including

“receiving an order for delivery of a product placed by a customer,” “initiating a workflow process to handle delivery of product of the order to the customer at the workflow program,” and “monitoring the workflow process to detect any problems related to the delivery of the order,” as claimed (emphasis added). In contrast, Mikurak teaches monitoring information related directly to the performance of a commercial offering. Moreover, the monitoring is not related to the sale and delivery of the commercial offering. Rather, by teaching that the monitoring of the commercial offering does not begin until the sale and delivery of the commercial offering are completed, Mikurak teaches away from such a configuration.

Moreover, the combination of Mikurak and Cerami fails to teach or suggest the present invention as claimed because Cerami does not overcome the shortcomings of Mikurak. Cerami, alone or in combination with Mikurak, does not show or suggest a method of addressing problems associated with the delivery of a product of customer orders, as claimed. Applicants understand Cerami to teach a method of managing a repair process for a fault between a proactive network repair system and a customer service system using a repair ticketing system.

Applicants respectfully assert that the proactive network management system of Cerami is not the workflow as claimed in the present invention. Cerami teaches a system for proactively managing faults in a broadband



network. Specifically, the system of Cerami monitors a network and manages faults of the network. Cerami does not teach, describe or suggest a system for taking customer orders or for dealing with business transaction.

In particular, Applicants respectfully assert that Cerami does not teach, describe or suggest a computer-implemented method of addressing problems associated with customer orders including "receiving an order for delivery of a product placed by a customer," "initiating a workflow process to handle delivery of product of the order to the customer at the workflow program," and "monitoring the workflow process to detect any problems related to the delivery of the order," as claimed. In contrast, Cerami system for proactively managing faults in a broadband network.

In view of the claim limitations of "receiving an order for delivery of a product placed by a customer," "initiating a workflow process to handle delivery of product of the order to the customer at the workflow program," and "monitoring the workflow process to detect any problems related to the delivery of the order," not being shown or suggested in the combination of Mikurak and Cerami, in combination with the above arguments, Applicants respectfully submit that independent Claims 1, 10 and 16 overcome the cited reference and are therefore allowable over the combination of Mikurak and Cerami.

Therefore, Applicants respectfully submit that the combination of Mikurak and Cerami also does not teach or suggest the additional claimed features of the

present invention as recited in Claim 2 that depends from independent Claim 1, Claim 11 that depends from independent Claim 10, and Claim 17 that depends from independent Claim 16. Applicants respectfully submit that Claims 2, 11 and 17 also overcome the rejection under 35 U.S.C. § 103(a) as these claims are dependent on allowable base claims.

Claims 4, 13, 19 and 25

Claims 4, 13, 19 and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mikurak in view of Official Notice. Claim 4 depends from independent Claim 1, Claim 13 depends from independent Claim 10, Claim 19 depends from independent Claim 16, and Claim 25 depends from independent Claim 22. Applicants have reviewed the cited references and respectfully submit that the present invention as recited in Claims 4, 13, 19 and 25 is not rendered obvious by Mikurak in view of Official Notice.

As described above in the discussion of the 35 U.S.C. § 103(a) rejection of Claims 1, 3, 5, 6, 10, 12, 14-16, 18 and 22-24, Applicants respectfully assert that Mikurak does not teach, describe or suggest a computer-implemented method of addressing problems associated with customer orders including “receiving an order for delivery of a product placed by a customer,” “initiating a workflow process to handle delivery of product of the order to the customer at the workflow program,” and “monitoring the workflow process to detect any problems related to the delivery of the order,” as claimed (emphasis added). In

contrast, Mikurak teaches monitoring information related directly to the performance of a commercial offering. Moreover, the monitoring is not related to the sale and delivery of the commercial offering. Rather, by teaching that the monitoring of the commercial offering does not begin until the sale and delivery of the commercial offering are completed, Mikurak teaches away from such a configuration.

Moreover, the combination of Mikurak and Official Notice fails to teach or suggest the present invention as claimed because Official Notice does not overcome the shortcomings of Mikurak. The Official Notice, alone or in combination with Mikurak, does not show or suggest a method of addressing problems associated with the delivery of a product of customer orders, as claimed. Examiner has taken Official Notice “that it is old and well known to provide specific written authority to execute and sign one or more legal instruments for another person (power of attorney)” (see page 12, Detailed Action mailed 1/26/05). In particular, the Official Notice does not teach, describe or suggest the recited claim limitations of “receiving an order for delivery of a product placed by a customer,” “initiating a workflow process to handle delivery of product of the order to the customer at the workflow program,” and “monitoring the workflow process to detect any problems related to the delivery of the order,” as claimed.

In view of the claim limitations of "receiving an order for delivery of a product placed by a customer," "initiating a workflow process to handle delivery of product of the order to the customer at the workflow program," and "monitoring the workflow process to detect any problems related to the delivery of the order," not being shown or suggested by the combination of Mikurak and Official Notice, in combination with the above arguments, Applicants respectfully submit that independent Claims 1, 10, 16 and 22 overcome the cited reference and are therefore allowable over the combination of Mikurak and Official Notice. Therefore, Applicants respectfully submit that the combination of Mikurak and Official Notice also does not teach or suggest the additional claimed features of the present invention as recited in Claim 4 that depends from independent Claim 1, Claim 13 that depends from independent Claim 10, Claim 19 that depends from independent Claim 16, and Claim 25 that depends from independent Claim 22. Applicants respectfully submit that Claims 4, 13, 19 and 25 also overcome the rejection under 35 U.S.C. § 103(a) as these claims are dependent on allowable base claims.

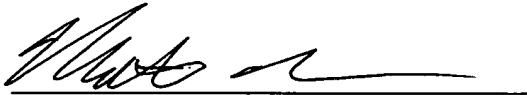
#### CONCLUSION

Based on the arguments presented above, Applicants respectfully assert that Claims 1-6, 10-19 and 22-25 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,  
WAGNER, MURABITO & HAO L.L.P.

Dated: 4 Oct, 2005



Matthew J. Blecher  
Registration No. 46,558

Two North Market Street  
Third Floor  
San Jose, CA 95113  
(408) 938-9060